

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - X
:
UNITED STATES OF AMERICA
:
- v. -
:
MARUFAL ISLAM,
:
Defendant.
:
- - - - - X

SEALED ORDER

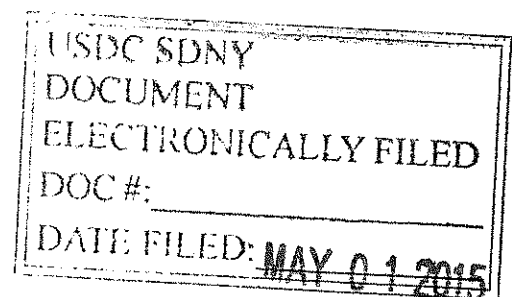
S2 11 Cr. 614 (VM)

WHEREAS, an application has been made by the United States of America, with the defendant's consent, for the temporary sealing of filings and other docket entries in the captioned case;

WHEREAS, the Court finds that the defendant's safety may be placed at risk if the Government's application is not granted;

IT IS HEREBY ORDERED that filings and other docket entries in the above-captioned case be filed under seal, until further order by this Court.


IT IS FURTHER ORDERED that no docket entries shall be made in the captioned matter until further order of the Court; and



IT IS FURTHER ORDERED that counsel for the defendant and the Government may be provided a copy of the transcript of proceedings in this matter without further order of the Court.

SO ORDERED:

Dated: New York, New York
December 2, 2011



THE HONORABLE GABRIEL W. GORENSTEIN
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - X
:

UNITED STATES OF AMERICA

- v. -

MARUFAL ISLAM,

Defendant.

SEALED AFFIRMATION
AND APPLICATION

S2 11 Cr. 614 (VM)

- - - - - X

DANIEL CHUNG hereby affirms, under penalty of perjury and pursuant to Title 28, United States Code, Section 1746, as follows:

1. I am an Assistant United States Attorney in the office of Preet Bharara, United States Attorney for the Southern District of New York, (the "Office") and I am familiar with this matter. By this affirmation, the Government applies for an order of the Court directing that filings and other docket entries in the above-captioned case be filed under seal.

2. The Office has been investigating a criminal organization since approximately January 2010, together with law enforcement agents from the United States Department of Homeland Security ("DHS") and Department of State ("DOS"), for, among other things, racketeering, in violation of Title 18, United States Code, Section 1962, extortion, in violation of Title 18, United States Code, Section 1951, visa fraud, in violation of

Title 18, United States Code, Section 1542; marriage fraud, in violation of Title 8, United States Code, Section 1325; and transporting, harboring, and inducing the entry of illegal aliens, in violation of Title 8, United States Code, Section 1324(a)(1). Ultimately, the investigation resulted in charges against 20 defendants in United States v. Trucchio et al., S1 11 Cr. 614 (VM), who were all arrested and arraigned on November 30, 2011. The investigation involved, in part, cooperation by the above-captioned defendant, MARUFAL ISLAM. In particular, ISLAM met with the Government for debriefings and participated in recorded conversations with several of the defendants charged and arrested in the Trucchio case.

3. Although there is a qualified right of public access to Court documents, the Second Circuit has recognized that documents may be filed under seal to protect, among other things, ongoing law enforcement efforts, including grand jury investigations. See United States v. Cojab, 996 F.2d 1404, 1407-09 (2d Cir. 1993) (affirming sealing order); United States v. Haller, 837 F.2d 84, 88 (2d Cir. 1988) (affirming decision to seal that portion of a plea agreement that referred to a defendant's ongoing cooperation); see also Fed. R. Crim. P. 49.1(d), (e) & advisory committee note (permitting a court to order filings to be made under seal, and explicitly listing, as examples, "motions for downward departure for substantial

assistance" and "plea agreements indicating cooperation"). The Second Circuit has also recognized that even docketing the applications to seal those materials could be prejudicial, and in such cases the applications themselves and related notes to the docket could be sealed. See United States v. Alcantara, 396 F.3d 189, 200 n.8 (2d Cir. 2005).

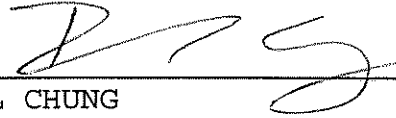
4. Compelling law enforcement interests support an order directing that filings and other docket entries in this case be made under seal. The defendants in the Trucchio case are members of a conspiracy to commit large-scale visa fraud, immigration fraud, and marriage fraud, among other things, as well as alleged members of organized crime. These defendants and their associates, against whom ISLAM is cooperating, are potentially capable of harming ISLAM, were his cooperation exposed.

5. Materials relating to ISLAM's cooperation will not be kept sealed indefinitely, however. The Government will advise the Court by letter as soon as it must reveal ISLAM's status as a cooperating witness. At that time, the Government will move this Court for an order unsealing the filings of this case.

6. Accordingly, the Government requests that filings and other docket entries in the above-captioned case, including this Affirmation and any order issued in connection with it, be filed under seal, until further order of the Court. No prior

request for the relief set forth herein has been made, and
defense counsel has consented to this application.

Dated: New York, New York
December 1, 2011

A handwritten signature in black ink, appearing to read 'D. Chung', is written over a horizontal line.

DANIEL CHUNG
Assistant United States Attorney
(212) 637-2417